

REGULAR COUNCIL MEETING AUGUST 10, 2010

The regular meeting of the Council of the Town of Altavista was held in the Council Chambers of the Municipal Building, 510 Seventh Street on August 10, 2010 at 7:00 p.m.

1. Mayor Burgess called the meeting to order and presided.
2. Pastor Darrell White, Monte Vista Baptist Church, gave the invocation.

Council members  
present:

Mr. J.R. Burgess  
Mr. Ronald Coleman  
Mrs. Beverley Dalton  
Mr. Bill Ferguson  
Mr. Jay Higginbotham  
Mr. Michael Mattox  
Mrs. Rayetta Webb

Also present:

Mr. J. Waverly Coggsdale, III, Town Manager  
Mr. W. Morgan Allen, Jr., Treasurer  
Mr. Dan Witt, Assistant to the Town Manager  
Chief Clay Hamilton, Police Department  
Deputy Chief Kenneth Walsh, Police Department  
Mr. John Tomlin, Public Works Director  
Mr. John Eller, Town Attorney  
Mrs. Mary Hall, Administration

3. Mayor Burgess asked if there were any question regarding the agenda.

A motion was made by Mr. Mattox, seconded by Mr. Coleman, to approve the agenda.

Motion carried:

VOTE:

Mr. J.R. Burgess	Yes
Mr. Ronald Coleman	Yes
Mrs. Beverley Dalton	Yes
Mr. Bill Ferguson	Yes
Mr. Jay Higginbotham	Yes
Mr. Michael Mattox	Yes
Mrs. Rayetta Webb	Yes

4. Mayor Burgess asked if there were any questions regarding the minutes of the July 13, 2010 regular meeting.

A motion was made by Mr. Ferguson, seconded by Mrs. Webb, that the minutes of the July 13, 2010 regular meeting be approved as presented.

Motion carried:

VOTE:

Mr. J.R. Burgess	Yes
Mr. Ronald Coleman	Yes
Mrs. Beverley Dalton	Yes
Mr. Bill Ferguson	Yes
Mr. Jay Higginbotham	Yes
Mr. Michael Mattox	Yes
Mrs. Rayetta Webb	Yes

5. Mayor Burgess presented the invoices for the month of July and asked if there were any questions regarding the invoices.
6. Public Comments

Mayor Burgess asked if anyone not listed on the agenda would like to speak to Council.

No one came forwarded.

7. Public Hearing

a. CDBG Upper Story Housing Project

Mr. Coggsdale advised at this time Council would receive public comment on the special use permit for upper story housing. The Town of Altavista was awarded a \$1,000,000 Community Development Block Grant (CDBG) from the Virginia Department of Housing and Community Development (DHCD) in 2009. A component of the grant was the establishment of upper story housing in the Central Business District with a total of \$225,000 grant funds allocated for that purpose. The grant contract establishes a goal of nine (9) upper story housing units to satisfy the contract.

Mr. Witt advised the Planning Commission held a public hearing on Tuesday, July 6, 2010 at its regularly scheduled meeting. The units are part of the Community Development Block Grant, which is providing up to \$25,000 per unit for construction purposes.

Mr. Witt stated two persons spoke at the public hearing regarding this matter. Mr. Albert Farris, with First National Bank of Altavista, requested parking be addressed as part of the process and Ms. Jo Kelley spoke on behalf of AOT and expressed support for the application. Mr. Wagner made a motion recommending Town Council's approval of the SUP application as amended with special conditions for nine upper story housing units at the locations specified in the application. A second was made by Mrs. Thompson. All members voted in favor with none opposing.

Mr. Witt advised the conditions as follows:

1. Laws: Owners and tenants of the residence(s) shall comply with all Local, State, and Federal laws.
2. Use: Owners and tenants shall be in compliance with the guidelines set forth in the Altavista Downtown Revitalization Project Upper Story Housing Program Design.
3. Occupancy: Individual units shall only be used as single family residences and shall contain no more than 3 bedrooms.
4. Parking: Parking for tenants is restricted to the lots listed in Section 74-163 of the Town Code, except between the hours of 8AM and 6PM when parking will be enforced as posted.
5. Façade Displays: All displays must be properly secured in a safe manner. Flags and banners may not exceed 32 square feet and must not impede business on the lower floors or pedestrian traffic on the sidewalk. No exterior laundry lines are permitted outside the windows.
6. Window/HVAC Units: Outside units shall not face Main Street or Broad Street.
7. Violation of the Special Use Permit: In the case of a violation by the owner and/or tenant of the conditions set forth in this permit, the Zoning Administrator will notify the owner of the violation and give a reasonable time, not to exceed 30 days, to comply with the SUP. After such time expires, without compliance, the SUP may be revoked.

Mr. Witt mentioned after the Planning Commission meeting, staff determined after limiting the number of bedrooms, the number of occupants per unit should be limited to two. Mr. Witt reviewed this with the Planning Commission and it

was their consensus that this should be added as a condition of the special use permit under Number 3. Mr. Witt stated the staff's recommendation is to add, *"The total number of occupants should not exceed two per bedroom"*.

Mr. Mattox questioned if this would be addressed in Zoning.

Mr. Witt stated this would be a by-right use with the conditions as determined tonight.

Mayor Burgess opened the public hearing at 7:10 p.m. and asked if anyone would like to speak.

Ms. Willie Thornhill, member of the Altavista Business Men's Club and owner of the property at 517 Broad Street, spoke in favor of the upper story housing and the CDBG proposal.

Mrs. Jo Kelley, Director of Altavista on Track, pledged her support of the upper story housing and the CDBG proposal.

Mayor Burgess closed the meeting at 7:11 p.m.

A motion was made by Mr. Mattox, seconded by Mr. Coleman, to approve the Special Use Permits for the Upper Story Housing Units as presented with the conditions as amended.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

#### 8. Special Items or Recognitions

Mr. Coggsdale recognized Mr. Robert "Phillip" Jacobs, Public Works employee, on 20 years of service and Mr. Terry Howell, Wastewater Treatment Plant employee, on 5 years of service with the Town of Altavista.

#### 9. Committees

##### a. Altavista Area Chamber of Commerce

Mrs. Patti Eller, Altavista Area Chamber of Commerce President, updated Council on the business of the Chamber. Mrs. Eller mentioned to Council, the Chamber will be heading up the 62<sup>nd</sup> annual Uncle Billy's Day festivities. Mrs. Eller stated a core committee consisting of her, Mr. Morgan Allen, Mr. Steve Farmer, Mr. Shawn Stone and Mr. Robert Duff have met and are moving forward with plans. Mrs. Eller stated it is evident that things will need to be handled differently than when handled by the fire department and requested approval to move the crafters and food vendors to English Park. Mrs. Eller stated the committee felt this would reduce the number of volunteers needed and would be easier to manage logistically. Mrs. Eller mentioned other activities are planned for Broad and Seventh Street which will be business and family friendly.

Mayor Burgess requested this decision be delayed until Council can receive input from the citizens.

##### b. Others

Mr. Witt advised at the March, 2010, Town Council meeting Council declared the property at 701 15<sup>th</sup> Street a public nuisance. A time frame for the nuisance to

be abated was not set. Mr. Witt mentioned he has been in touch with the property owners but to date the no action has been taken. Mr. Witt requested Council set a 30-day timeframe for the abatement of the nuisance.

A motion was made by Mr. Mattox, seconded by Mr. Coleman, to set a 30 day timeframe for the abatement of the nuisance at 701 15<sup>th</sup> Street.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

#### 10. Unfinished Business

##### a. Phase II Environmental Assessment

Mr. Coggsdale advised the Town previously agreed to purchase 26.94 acres from M&W Land Company, LLC contingent upon certain criteria, with the main one being satisfactory results of an Environmental Site Assessment (ESA). Following the initial Phase I assessment, both parties agreed to a follow up Phase II assessment. Mr. Coggsdale introduced Mr. Michael D. Lawless and Ms. Karen Weber, Draper Aden & Associates.

Mr. Lawless addressed Council and reviewed the full report. Mr. Lawless advised the engineering firm moved forward with Phase II of the Environmental Study. The three primary components to the Phase II consist of soil samples for organic analysis being collected, testing soil samples for PCB concentrations, and liability comfort letter from the Department of Environmental Quality (DEQ). DEQ reviews their records regarding the site and then provides the Town some type of confidence of what the liability was associated with purchasing the property. The organic samples came back basically clean. Three settlement samples were collected for PCB analysis and levels of PCBs were detected; low but detectable. Mr. Lawless stated the concern is PCB liability is different than other types of environmental liability. By being in the chain of title you can be pulled into the chain of liability. Another concern is not only DEQ being involved but the Federal EPA. Mr. Lawless stated the levels are low. It is hard to quantify what the risks are with purchasing the property. One concern is several years ago, DEQ conducted a PCB study throughout the Staunton River Water Shed and collected a sample on the A.O. Smith property and found PCBs. DEQ tabled the investigation because they ran out of money but are still interested in pursuing when they receive funding; they are likely to come back to this area collecting samples. This could be a trigger for DEQ to look harder at this piece of property. DEQ is continuing to evaluate the regulatory position and regulatory history of this property in preparation of the comfort letter. Mr. Lawless referred to the disposal pit on the property stating if it was used after 1984, it falls under the Federal RCRA regulation and there would be a prohibition of subdividing the property. DEQ is requesting paperwork from the current property owner to show when the pit was used. If usage occurred before 1984, it is permissible to subdivide the property.

Mr. Lawless mentioned the comfort letter will not address PCB liability but will include a clause to that effect.

Mr. Coleman asked Mr. Lawless to expand on the PCB liability.

Mr. Lawless stated the problem is the PCBs have been detected on the parcel the Town is considering and just the presence of the PCBs could pull the Town into

the chain of liability even if the higher concentrations were found on the former A.O. Smith property.

Mrs. Webb asked what does the Town want the end result for this piece of property to be. After developing the property would there be a business that would want to be a part of this with this type of liability and issues in the future.

Mr. Lawless mentioned at this time A.O. Smith is moving the property through the VRP for the organics only.

Mr. Mattox asked Mr. Lawless for recommendations of what Council would want or need before moving forward with the purchase.

Mr. Lawless stated one possibility would be to change the subdivision of the property and only purchase the northern portion of the property or have a more detailed sampling done throughout the property.

Mr. Higginbotham asked for recommendations on cleaning up the PCBs.

Mr. Lawless stated the only sure way is to move it off site. Mr. Lawless noted the concern is identifying the source.

Mr. Mattox mentioned he has heard liable concentrations are determined by the end use.

Mr. Lawless stated end use would determine what level would have to be cleaned up.

Mr. Mattox requested a threshold for those levels.

Mr. Eller questioned the location of the samples not analyzed.

Mr. Lawless stated these were drainages on the northern side of the property and they were not analyzed because of the cost involved.

A motion was made by Mrs. Dalton, seconded by Mr. Mattox, to extend the existing contract for the purchase of the property which expires on August 15, 2010, for 60 days pending additional information.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	No

b. Town/County Service/Operations Review

Mr. Coggsdale advised at the March 9, 2010 Town Council meeting, a discussion was held as a follow up to a previous quarterly Town/County meeting in regard to looking at potential pros and cons of collaboration on certain services or functions by the two localities. Several items that came out of the quarterly Town/County meeting were ways to combine or streamline Town/County services for Information Technology, Economic Development and Payroll/Health Benefits. Following the discussion at the March 9<sup>th</sup> Council meeting, Mayor Burgess directed that this item be referred to the August Council Meeting. Mr. Coggsdale mentioned staff continues to discuss some of these issues with the county and these are things staff wants to look at in preparing for the FY 2012 budget.

11. New Business

a. Altavista Area/Campbell County Habitat for Humanity Request

Mr. David Shreve, President of the Altavista Area/Campbell County Habitat for Humanity Chapter, addressed Council and requested assistance in the demolition of a house located at 1022 7<sup>th</sup> Street.

Mr. Coleman advised the Finance Committee has reviewed this request and asked that it be denied. If Council decides to use some other type of mechanism, the Finance Committee request a limit be placed on the amount of money used. Mr. Coleman stated the Property Maintenance Committee has chosen to not use Town employees for demolition of derelict properties. Property owners of the derelict properties are required to use outside sources. The cost of removal has been tracked in previous demolitions and it is costly to the Town.

Mr. Shreve stated he did not have a problem with this but asked for an in-kind contribution.

A motion was made by Mr. Coleman, seconded by Mrs. Webb, to deny the request of the Altavista Area/Campbell County Habitat for Humanity to demolish the house located at 1022 7<sup>th</sup> Street.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	No
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

Mr. Coleman mentioned Council appreciates the work of Habitat for Humanity as they have removed some properties that the Town has been unable to move until the Property Maintenance Ordinance was formed.

Mr. Mattox requested Mr. Shreve review the Comprehensive Plan and mentioned the desire to zone both sides of 7<sup>th</sup> Street commercial in the future.

b. Interim License Agreement-Mid Atlantic Broadband Cooperative

Mr. Coggsdale advised the Mid-Atlantic Broadband Cooperative (MBC) is installing broadband along Route 29 throughout Campbell County. Over a month ago, Town staff was contacted in regard to the extension of this service to a facility located in the Town limits. The questions came up as to how such an extension in Town right of way would be handled. MBC cited that they are a nonprofit and the cost of a “franchise agreement” would be utilizing tax payer’s money and they are not usually required to get a franchise agreement. Staff spoke with representatives in other communities and learned the City of Lynchburg has opted to grant an “Interim License Agreement” until they have had an opportunity to review their ordinances and possibly make amendments to address such issues.

Mayor Burgess questioned what would be the procedure if the Town has to work in the area of the line.

Mr. Eller replied MBC would have to move the line. Mr. Eller stated MBC does not want to pay a franchise fee. They are tax exempt. Mr. Eller mentioned MBC does not have a problem with anything in the agreement but wants assurance that as long as they maintain their tax exempt status, they would not be charged a franchise fee.

Mrs. Webb felt the agreement was open ended.

Mr. Eller stated this agreement is based on the expectation that a comprehensive ordinance to cover all these broadband fiber optic companies that might want to place their cables on our right of way would be developed.

Mrs. Webb felt the broadband would be a wonderful thing but any agreement needs a timeline and the opportunity for review.

Mr. Eller stated this could be reviewed by passing the ordinance.

A motion was made by Mr. Mattox, seconded by Mr. Ferguson, to negotiate the Interim License Agreement with Mid Atlantic Broadband Cooperative.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

c. Rt. 29 “Business Pedestrian Bridge (Staunton River)

Mr. Coggsdale advised the Virginia Department of Transportation closed the pedestrian footbridge that ran parallel with Route 29 “Business” across the Staunton River. Over the past month or so, staff has received complaints and/or inquires as to the status of the bridge. Mr. Coggsdale stated due to the fact this bridge provides a very important pedestrian link between the towns of Altavista and Hurt, staff feels a request should be made by both localities to have this structure repaired and reopened. Mr. Coggsdale also suggested asking the Town of Hurt to also correspond with VDOT regarding this issue.

Mrs. Dalton requested information on the rating of the bridge.

A motion was made by Mrs. Webb, seconded by Mrs. Dalton, to allow staff contact VDOT in regards to the pedestrian bridge and its status and request information/rating of the bridge.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

d. Work Session Agenda Items

Mr. Coggsdale presented Council with a proposal Work Session Agenda scheduled for August 24, 2010 at 6:00 p.m.

Mr. Mattox suggested the Council members meet at the Altavista Armory for a tour of the building.

e. Bedford Avenue Park-Woodland Avenue Parking

Mr. Coggsdale advised he has received a letter from a resident requesting Council review the parking situation at the Bedford Avenue Park.

Mr. Mattox suggested the designated parking spaces be utilized as handicap parking with additional parking on Bedford Avenue.

A motion was made by Mr. Ferguson, seconded by Mr. Mattox, to change the designated parking spaces to handicap parking with additional parking on Bedford Avenue.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

## 12. Town Manager's Report

### a. Project Updates

#### **VDOT Enhancement Project and Downtown Utility Replacement Project**

- Progress Meeting conducted on July 27, 2010.
- Sanitary Sewer, Water and Storm Sewer are complete from English Alley to the top of Broad Street (library)
- Curbing and sidewalk are being installed.
- The contractor is installing the brick pavers along the sidewalk edges and in pedestrian areas at intersections.
- Milling and paving began on August 3<sup>rd</sup>.
- Substantial completion should be achieved by August 31<sup>st</sup> as per contract. Final Completion should be complete by September 30<sup>th</sup>.

#### **Community Development Block Grant**

- Façade Improvements (Ongoing)
- Streetscape (Gateway Park)
  - Progress Meeting conducted on July 27, 2010.
  - Curb work and sidewalks are being installed.
  - Footing for fence along railroad is being installed.
  - Substantial Completion within 60 calendar days (Sept. 9<sup>th</sup>)
  - Final Completion within 90 calendar days (Oct. 9<sup>th</sup>)
- Upper Story Housing
  - Nine units are being considered for this project, which is the project goal.
- Marketing
  - Way finding signage project is underway.

#### **Water Plant Filter Media Replacement Project**

- Work on the final filter begins on Monday, August 10<sup>th</sup>.
- Each filter is estimated to take approximately 22 – 25 days. This includes 5 – 7 days for painting and curing of the paint.
- Substantial completion within 180 calendar days and will be completed and ready for final payment within 210 calendar days. Substantial completion date is August 27, 2010.

#### **WWTP PCB – Emergency Overflow Pond**

- Virginia DEQ reviewing the letter submitted by the Town.
- Discussions with Congressman Periello's office about possible funding sources.

#### **River Road Power Line project**

- Agreement signed.
- Project being scheduled.

#### **Land Purchase – former A.O. Smith property**

- Phase II Environmental Assessment has been conducted.
- Report to be presented/discussed at August Town Council meeting.



**Transit System**

- Buses have been ordered.
- Staff is working on the necessary items to get the system on-line.

**War Memorial Park Railing Project**

- Evington Iron Works completed the railings project.
- Public Works completed the steps project.

b. Reports

- i. Departmental
- ii. Other

c. Other Items as Necessary

Mr. Coggsdale advised a request was received from Dominion Generation requesting they be allowed to utilize the Clarion Road exit off of Route 29 bypass for delivery of chips during the ongoing construction on the bridge located at the north Main Street exit.

Mr. Higginbotham felt as a courtesy the trucks should be allowed to use the Clarion Road exit during the construction of the bridge.

Mr. Mattox stated the number of trucks each day traveling through the industrial intersection would create a danger at that location.

Mr. Witt advised he has kept track of the complaints involving the trucks coming into Town and these have increased over the summer but feels the construction on the north end of Town is a contributing factor.

Mr. Mattox questioned the completion date of the bridge repair.

Mr. Witt stated he has been advised August or September. Mr. Witt said he has spoken with the Chief of Police and they agreed to monitor this area during the peak hours to see if there are problems.

Mayor Burgess called on Chief Hamilton and asked his opinion.

Chief Hamilton stated he has reviewed the situation and stated the Police Department would monitor this area and if there is an issue, will report back to staff and Council.

A motion was made by Mr. Mattox, seconded by Mr. Ferguson, to deny the request of Dominion Generation to utilize the Clarion Road exit off of Route 29 bypass for delivery of chips during the ongoing construction on the bridge located at the north Main Street exit.

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	No
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

d. Information Items

13. Matters from Town Council Members

14. Closed Session

REGULAR COUNCIL MEETING AUGUST 10, 2010

A motion was made by Mrs. Webb, seconded by Mr. Coleman, to continue the meeting to August 24, 2010 at 6:00 p.m.

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Michael Mattox	Yes
	Mrs. Rayetta Webb	Yes

Mayor Burgess asked if there was anything else to bring before Council.

The meeting ended at 8:42 p.m.

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J. R. Burgess, Mayor

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W. Morgan Allen, Jr., Clerk